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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,984	03/26/2004	Tadaatsu Ichihara	2630.3168.001	9617
23399	7590	12/07/2005	EXAMINER	
REISING, ETHINGTON, BARNES, KISSELLE, P.C. P O BOX 4390 TROY, MI 48099-4390			CHIESA, RICHARD L	
		ART UNIT		PAPER NUMBER
				1724

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/810,984	ICHIHARA ET AL.	
	<b>Examiner</b> Richard L. Chiesa	<b>Art Unit</b> 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on July 15, 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 6, 12 and 13 is/are rejected.
- 7) Claim(s) 5 and 7-11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>August 13, 2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Response to Amendment***

1. The preliminary amendment filed on July 15, 2004 has been entered.

***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Drawings***

3. The drawings filed on March 26, 2004 are accepted by the examiner.

***Information Disclosure Statement***

4. The listing of the references on page 1 in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Specification***

5. The disclosure is objected to because the word “move” on the seventh line of paragraph [0003] on page 2 should apparently be changed to --moved--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, there is apparently no antecedent basis for the phrase “the vapor groove” on the first line of claim 3. Perhaps, this phrase should be changed to --the fluid groove-- in order to be consistent with independent claim 1.

***Claim Rejections - 35 USC § 102/103***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicants are advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,455,266 to Gerhardy. Gerhardy (note Figure 1) shows a carburetor with a body 1, fuel-air mixing passage 2, openings 25 in communication with the fuel-air mixing passage, a fuel metering assembly (note col. 4, lines 51-58), a fuel diaphragm 17, and a fuel chamber 4 with a groove in its upper wall communicating with the opening 25 as claimed (35 USC 102b). It would appear that Gerhardy may not explicitly refer to the space communicating with the openings 25 as a groove. However, Gerhardy's space is machined into the upper wall of the fuel chamber 4 and any fluid such as vapor will accumulate there and be directed to opening 25 just as in applicants' claimed carburetor. Consequently, it is inherent or at least would have been readily obvious to one of ordinary skill in the art (35 USC 103a) that Gerhardy's space surrounding opening 25 is a groove.

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11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhardy in view of U.S. Patent No. 6,820,864 to Amou et al. Gerhardy, as described above in paragraph 10, discloses a carburetor substantially as claimed. It would appear that Gerhardy may not explicitly disclose the use of a plurality of grooves. In any case, Amou et al (note Figures 5-8, 15) teach the well-known use of a plurality of grooves 201 in a carburetor for the purpose of promoting fuel vaporization (note Abstract). It would have been obvious to one of ordinary skill in the art to employ a plurality of grooves in the Gerhardy carburetor in order to facilitate vaporization as taught by Amou et al.

12. Claims 6, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerhardy in view of U.S. Patent No. 6,202,988 to Abe et al. Gerhardy, as described above in paragraph 10, discloses a carburetor substantially as claimed. Apparently, Gerhardy may not explicitly disclose a fuel jet, recessed opening, and a fuel nozzle. In any case, Abe et al (note Figure 1) teach the well-known use of a fuel jet 49, recessed opening 45, and a fuel nozzle 11 in a carburetor for the purpose of avoiding extreme reductions in the air-fuel ratio (note Abstract). It would have been obvious to one of ordinary skill in the art to employ a fuel jet, recessed opening, and a fuel nozzle in the Gerhardy carburetor in order to maintain a constant fuel-air ratio as taught by Abe et al.

***Allowable Subject Matter***

13. Claims 5, and 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. As allowable subject matter has been indicated, applicants' reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references have been cited as art of interest to show other carburetors.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard L. Chiesa whose telephone number is (571) 272-1154.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane S. Smith, can be reached at (571) 272-1166.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1700 receptionist whose telephone number is (571) 272-1700.

Facsimile correspondence must be transmitted through (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Richard L. Chiesa  
December 6, 2005

*Richard L. Chiesa*

**RICHARD L. CHIESA  
PRIMARY EXAMINER  
ART UNIT 1724**

*Dec. 6, 2005*